(A1756,50

PREET BHARARA

United States Attorney for the Southern District of New York

By: KATHLEEN A. ZEBROWSKI

Assistant United States Attorney

86 Chambers Street

New York, New York 10007 Telephone No.: (212) 637-2710

Fax No.: (212) 637-2717

Kathleen.Zebrowski@usdoj.gov

UNITED	<b>STATES</b>	DIST	RICT	COL	JRT
SOUTHE	ERN DIST	RICT	OF N	EW	YORK

-----x

UNITED STATES OF AMERICA,

Plaintiff,

- v - : <u>DEFAULT JUDGMENT</u>

KIRSTEN MAGWOOD, : 11 CIV 6571 (PKC)

Defendant.

THIS ACTION having been commenced by the filing of a complaint and the issuance of a summons on September 20, 2011; a copy of the summons and complaint having been served upon defendant on November 23, 2011; proof of such service having been filed with the Clerk of the Court on December 9, 2011; defendant not having appeared, answered or made any motion with respect to the complaint; the time for defendant to appear, answer or make any motion with respect to the complaint having expired; the Clerk of this Court having duly entered the annexed certificate of entry of default of defendant; and sufficient proof having been adduced that defendant is not in the military service of the United States and is not an infant or an incompetent person;

USDS SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: \(\alpha - /6 - //\)

NOW, on the motion of Preet Bharara, United States Attorney for the Southern District of New York, attorney for plaintiff, it is hereby

ORDERED, ADJUDGED AND DECREED that plaintiff have judgment against defendant in the principal sum \$45,364.88, plus interest in the amount of \$21,686.53, as of December 13, 2011, together with costs and disbursements in the sum of \$400.00, amounting in all to the sum of \$67,451.41, with interest thereafter from the date of judgment as provided by law, and that plaintiff have execution therefor.

Dated: New York, New York

12-16-11

UNITED STATES DISTRICT JUDGE

THIS DOCUMENT WAS ENTERED ON THE DOCKET ON \_\_\_\_\_

SOUTHERN DISTRICT OF NEW YORK	v	
UNITED STATES OF AMERICA,	-x :	
Plaintiff,	:	
- v -	:	DECLARATION
KIRSTEN MAGWOOD,	:	11 CIV 6571 (PKC)
Defendant.	: - x	

TRUTTED OF ATEC DICTRICT COLIDT

KATHLEEN A. ZEBROWSKI, pursuant to 28 U.S.C. § 1746, declares the following under penalty of perjury:

- 1. I am an Assistant United States Attorney in the Office of Preet Bharara
  United States Attorney for the Southern District of New York, attorney for plaintiff United States
  of America (the "United States"). I am in charge of the prosecution of this case, and I am
  familiar with the matters set forth herein. The information contained in this declaration was
  obtained from the records and files of the United States Attorney's Office.
- 2. I submit this declaration in support of the application of the United States, pursuant to Rule 55(b)(2) of the Federal Rules of Civil Procedure, for the entry of a default judgment by the Court.
- 3. On September 20, 2011, this action was commenced with the filing of the complaint and the issuance of a summons. The Court has jurisdiction over this matter pursuant to 28 U.S.C. § 1345. The United States seeks recovery from defendant on a series of defaulted federally insured student loans.
- 4. On November 23, 2011, a copy of the summons and complaint was served upon defendant by affixing a copy to the door of her residence and mailing a copy to her

Case 1:11-cv-06571-PKC Document 6 Filed 12/16/11 Page 4 of 18

at her residence. Proof of such service was filed with the Clerk of the Court on December 9,

2011. A copy of the summons and complaint and a copy of the Affidavit of Service are annexed

hereto as Exhibit A.

5. Defendant has not appeared, answered or made any motion with respect to

the complaint, and the time for defendant to appear, answer make any motion with respect to the

complaint has expired. Defendant is therefore now in default.

6. The amount shown on the Statement for Judgment annexed hereto is justly

due and owing, no part thereof has been paid except as appears on the statement, and the

disbursements sought to be taxed have made in this action.

7. Upon information and belief, defendant is not in the military service of the

United States and is not an infant or an incompetent person.

WHEREFORE, your declarant prays that this Court enter the attached Default

Judgment against defendant in accordance with the annexed Statement for Judgment.

Dated: New York, New York

December 15 2011

Assistant United States Attorney

UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF NEW YORK		
UNITED STATES OF AMERICA,	:	
Plaintiff,	:	
- v -	:	STATEMENT OF JUDGMENT
KIRSTEN MAGWOOD,	:	11 CIV 6571 (PKC)
Defendant.	:	
·	· -x	
Principal amount		\$45,364.88
Interest (at the rate of 3.27% per annum on of \$23,308.69, and 2.47% per annum on th sum of \$22,056.19, through December 13,	e prin	•
Costs		\$ 400.00
U.S. Attorney's Docket Fee		\$350.00
Process Server's Fee		\$ 50.00
TOTAL AMOUNT OF JUDGMENT		\$67,451.41

PREET BHARARA
United States Attorney for the
Southern District of New York
By: KATHLEEN A ZEBROW

By: KATHLEEN A. ZEBROWSKI

Assistant United States Attorney

86 Chambers Street

New York, New York 10007 Telephone No.: (212) 637-2710

Fax No.: (212) 637-2717 Kathleen.Zebrowski@usdoj.gov

ratinoon.20010 wski@asaoj.gov

UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

Plaintiff,

SUMMONS

II ON BOKE

11 Civ.

KIRSTEN MAGWOOD,

Defendant.

-----X

TO: Kirsten Magwood 133 118<sup>th</sup> 2<sup>nd</sup> Floor New York, NY 10026

You are hereby summoned and required to file with the Clerk of this Court and serve upon Preet Bharara, United States Attorney for the Southern District of New York, plaintiff's attorney whose address is 86 Chambers Street, New York, New York 10007, an answer to the complaint which is herewith served upon you, within 21 days after service of the Summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint.

### Case 1:11-cv-06571-PKC Document 6 Filed 12/16/11 Page 7 of 18

•	
	Clerk of the Court
	•
(Seal of the United	
States District Court)	By: Deputy Clerk
Dated:	
(This summons is issued pursuant	
to Rule 4 of the Federal Rules of	

Civil Procedure)



PREET BHARARA
United States Attorney for the
Southern District of New York

By: KATHLEEN A. ZEBROWSKI

Assistant United States Attorney

86 Chambers Street

New York, New York 10007 Telephone No.: (212) 637-2710

Fax No.: (212) 637-2717

KIRSTEN MAGWOOD,

Kathleen.Zebrowski@usdoj.gov

UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF NEW YORK

- V. -

UNITED STATES OF AMERICA,

Plaintiff,

riamum,

.

Defendant.

STO 2 U 2011

CASSELERS

COMPLAINT

CIV 6571

11Civ.

Plaintiff United States of America (the "United States"), by and through its attorney, Preet Bharara, United States Attorney for the Southern District of New York, alleges upon information and belief that:

- 1. Jurisdiction is conferred on this Court pursuant to 28 U.S.C. § 1345.
- Defendant Kirsten Magwood (the "defendant") resides at 133 118<sup>th</sup> 2<sup>nd</sup>
   Floor, New York, NY, 10026, within the Southern District of New York.
- 3. Defendant applied for and received a student loan from the lender whose name is set out in the defendant's promissory note(s) evidencing the loan, copies of which are annexed hereto as Exhibit A and incorporated herein.
- 4. Defendant defaulted on said note(s) and owes the amount said note(s) and interest.

- 5. The United States is the assignee and present holder of said note(s).
- 6. The amount due and owing plaintiff by defendant on said note(s) is \$45,364.88, plus interest in the amount of \$21,364.26, as of September 14, 2011, with interest accruing thereafter at the rate of 3.27 percent per annum on the principal balance of \$23,308.69, and 2.47 percent per annum on the principal balance of \$22,056.19. Certificates of Indebtedness from the United States Department of Education are annexed hereto as Exhibit B and incorporated herein.

#### SECOND CAUSE OF ACTION

- 7. Plaintiff repeats and realleges the allegations contained in paragraphs numbered one through six.
- 8. Plaintiff insured the aforementioned note(s) pursuant to Title IV of the Higher Education Act of 1965, Public Law 89-329.
- 9. The lender made an insurance claim on the United States for the amount of the lender's loss arising from the defendant's default on said note(s), which claim has been paid by the United States to the lender.
- 10. Plaintiff is entitled to be indemnified by defendant in the amount of \$66,729.14 as of September 14, 2011, with interest accruing thereafter at the rate of 3.27 percent per annum on the principal balance of \$23,308.69, and at the rate of 2.47 percent per annum on the principal balance of \$22,056.19.

### Case 1:11-cv-06571-PKC Document 6 Filed 12/16/11 Page 10 of 18

WHEREFORE, plaintiff demands judgment against defendant in the amount of \$66,729.14 plus interest as provided by law to the date of judgment and interest from the date of judgment at the legal rate until paid in full, together with costs and disbursements and for such other and further relief as this Court deems just and proper.

Dated: New York, New York

September 19, 2011

PREET BHARARA
United States Attorney for the
Southern District of New York
Attorney for the Plaintiff

KATHI FENY

KATHLEEN A. ZEBROWSKI Assistant United States Attorney

86 Chambers Street

New York, New York 10007 Telephone No.: (212) 637-2710

Fax No.:

(212) 637-2717

EXHIBIT A

6 Filed 12/16/11 Page 12-of 18 Application and Promi Federal Stafford Loans (subsidized and unsubsidized) HIGHER EDUCATION SERVICES CORPORATION WARNING: Any person who knowingly makes a false statement or misrepresentation on this form is 1-800-642-6234 subject to penalties which may include fines or imprisonment under the United States Criminal Code PRE-APPROVED LOAN (PAL) and 20 U.S.C. 1097 31 Please print heatly or type. Read the instructions carefully. Borrower Section 1. Last Name First Name 2. Social Security Number KIRSTEN MAGWOOD 3. Permanent Street Address (If P.O. Box, see instructions.) 4. Telephone Number 5. Loan Period (Month/Year) 217) 52ND STREET 料LF 656-6434 From: 09/97 To: 365 WEST 05/98 State Zip Code Driver's License Number (List state abbreviation first.) City NY 10019 NY Zip Code State 8. Lender Code, if know 9. Date of Birth (Month/Day/Year) 976-87 05/06/75 eparate references with different U.S. addresses. The first reference should be a parent or legal guardian (if fiving). Both references must be completed fully, 1/18614 Name beeal torwood has Permanent Address Spring סנואיבי City, State, Zip Code Area Code/Telephone mothor Relationship to Borrower Loan Assistance Requested 11. I request the following loan type(s), to the extent I am eligible (see instructions): a. Subsidized Federal Stafford 🗗 b. Unsubsidized Federal Stafford 12. Frequest a total amount under these loan types not to exceed (see instructions for loan maximums): \$ 18500.00 My school will certify my eligibility for each loan type for which I am applying. The amount and other details of my loan(s) will be described to me in a disclosure statement. If I check yes, I am requesting postponement (deferment) of repayment for my Stafford and prior a. Yes, I want a deferment D. No, I do not want a deferment SLS loan(s) during the in-school and grace periods. If I check no, I do not want to defer repayment. 14. If I check yes, I am requesting that the lender add the interest on my unsubsidized Stafford and prior SLS loan(s) which accrues during the in-school and deferment periods, to my loan principal D b. No, I prefer to pay the interest Yes I want my interest capitalized (capitalization). If I check no, I prefer to pay the interest. 15. If my school participates in electronic funds transfer (EFT), I authorize the school to transfer a. Yes, transfer funds ☐ b. No, do not transfer funds the loan proceeds received by EFT to my student account. **Promissory Note** Continued on the reverse side. Promise to Pay: I promise to pay to the lender, or a subsequent holder of this Promissory Note, all sums disbursed (hereafter, "loan" or "loans") under the terms of this Note, plus interest and other fees which may become due as provided in this Note. If I fail to make payments on this Note when due, I will also pay reasonable collection costs, including attorney's fees, court costs, and collection: fees. Lunderstand I may cancel or reduce the size of any loan by refusing to accept any disbursement that is issued. Lunderstand that this is a Promissory Note. I will not sign this Note before reading it, including the writing on the reverse side, even if otherwise advised. I am entitled to an exact copy of this Promissory Note and the Borrower's Rights and Responsibilities. My signature certifies I have read, understand, and agree to the terms and conditions of this Application and Promissory Note, including the Borrower Certification and Authorization printed on the reverse side and the accompanying Borrower's Rights and Responsibilities statement. THIS IS A LOAN(S) THAT MUST BE REPAID 16. Borrower's Signature LIX DIOM Today's Date (Month/Day/Year) School Section To be completed by an authorized school official. 17 School Name 23 School Code/Branch 28. Telephone Number (212) N.Y. UNIV 002785 998-4444 18. Street Address 24. Cost of Attendance 29. Recommended Disbursement Date(s) (Month/Day/Year) 31733.00 25 WEST 4TH STREET 1SL 08/21/97 2nd 01/07/98 City Zio Code 25. Federal Expected Family Contribution 4th NEW YORK MY\_10018 19. Loan Period (Monin/Day/Year) School Certification (See box on the reverse side.) 26. Estimated Emancial 6ad  $O^{-00}$ D9703797 Suprature of Automoral School Ottopical St. Grade Lavel 85000 SIGNATURE DN FILE <u>A</u> 21. Enrollment Status (Check one.) Point or Type Name and Title ☐ Full Time P At Least Half Time b. Unsubsidized 10000 ∞ 22. Anticipated Completion (Graduation) Date (Month/Day/Year) 09/09/9 Check box if electronically transmitted to guarantor: ender Section To be completed by an authorized lending official. 33. Telephone Number Street Address ount(s) Approved 8500 10000.00 City 36. Signature of Authorized Lending Official Print or Type Name Title and Date

Application and Promit or	71-PKC Documer	it 6 Filed 12	716/11 Pag	e 13 of 18 19 7070
		Guaranto o Frogra	2 2101.	•
Federal Stafford Loans (subside	fized and unsubsidized)	HIGHER EL	DUCATION S	SERVICES CORPORATION
WARNING: Any person who knowingly makes a false statement of	or misrepresentation on this form is			542-6234
subject to penalties which may include fines or imprisonment und and 20 U.S.C. 1097.	ter the United States Criminal Code	PRE-APPRI	OVED LOAN	
Borrower Section		<u></u>		or type. Read the instructions carefully
	First Name		м	2. Social Security Number
	IRSTEN		F	
Permanent Street Address (If P.O. Box, see instructions.)		4. Telephone Number		5. Loan Period (Month/Year)
200 WATER STREET		(217)	656-6434	From: 09/98 To: 05/99
	State Zip Code	6. Driver's License Nur	nber (List state abbreviat	
,	8E001 YF			,
	State Zip Code	8. Lender Code, if know	vn —	9. Date of Birth (Month/Day/Year)
CHASE MANHATTAN TA	WHAMP CITY FL	507 E	30 <u>+</u>	05/06/75
10. References: You must provide two separate references with di	fferent U.S. addresses. The first refe	rence should be a parent	or legal guardian (if living	g). Both references must be completed fully.
Name 1SANDRA MAI	GWOOD	2 VIR	<u>GOL J HODI</u>	0
Permanent Address 1715 LEIGHT	DNWOOD LN	177	30 NORWOOJ	D RD_
City, State, Zip Code SILVER SPRIT	A CONTRACTOR OF A CONTRACTOR O		DY SPRING	
Area Code/Telephone ( 301 ) 495	5-8404		301 <u>) 774-</u>	3094
Relationship to Borrower MOTHER	and the second section of the sec	<u>UN</u>	CLE	
Loan Assistance Requested		Verme		
11. I request the following loan type(s), to the extent I am eligit	ble (see instructions):	🖸 a. Subsid	fized Federal Stafford	b. Unsubsidized Federal Stafford
12. I request a total amount under these loan types not to exce My school will certify my eligibility for each loan type for w other details of my loan(s) will be described to me in a disc	hich I am applying. The amount an			\$ 18500.00
13. If I check yes, I am requesting postponement (deferment) of SLS foan(s) during the in-school and grace periods. If I check yes the school and grace periods.	of repayment for my Stafford and pr		want a deferment	☐ b. No, I do not want a deferment
14. If I check yes, I am requesting that the lender add the interesting from SLS loan(s) which accrues during the in-school and d			want my interest capitali	ized D. No, 1 prefer to pay the interest
(capitalization). If I check no, I prefer to pay the interest.	factories the ashard to transfer			
<ol> <li>If my school participates in electronic funds transfer (EFT), the loan proceeds received by EFT to my student account.</li> </ol>	LANGUAGE THE ZOUDDL TO HAUSIEL	a. Yes, tr	ansfer funds	D b. No, do not transfer funds
Promissory Note Promise to Pay: I promise to pay to the lender, or a subsequent fees which may become due as provided in this Note. If I fail to tees. I understand I may cancel or reduce the size of any loan by reading it, including the writing on the reverse side, even if other certifies I have read, understand, and agree to the terms and con the accompanying Borrower's Rights and Responsibilities statem	make payments on this Note when in refusing to accept any disburseme wise advised. I am entitled to an ex- ditions of this Application and Prom	due, I will also pay reaso int that is issued. I unde act copy of this Promiss	mable collection costs, i erstand that this is a Pro- sory Note and the Borro	ncluding attorney's fees, court costs, and collection missory Note. I will not sign this Note before wer's Rights and Resonnsibilities. My signature
THIS IS A LOAN(S) THAT MUST BE BEPAID,				- 0 :
16. Borrower's Signature	MYR (1)		Today's Date (M	CORPT MACKS 189
School Section  17. School Name	23. School Code/Branch			pleted by an authorized school official.
		2705	28. Telephone Number (212)	
N.Y. UNIV  18. Street Address	24. Cost of Attendance	2785		798-4444
25 WEST 4TH STREET	\$	26118.00	1	isbursement Date(s) (Month/Day/Year) 5/98
City State Zip Code	25. Federal Expected Family Cont.		151 VU/L	27 . LU 200 MT/ NG/ 77
NEW YORK NY 10013	s	0.00	3rd	alh
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From 07/08/98 to 05/18/99	5	0 🗝		•
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21. Enrollment Status (Check one.)			Print or Type Nan	The state of the s
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27. Anticipated Completion (Graduation) Date (Month/Day/Year)			Date	
05/28/00				eck box if electronically transmitted to guarantor;
Lender Section	management of the second secon			ofeted by an authorized lending official.
S1. Lender Name	32. Lender Ccoe/Branch	33. Telepho		34. Lender Use Only
CHRSE WANHATTAN	-10101		<u> </u>	270]
Street Address	35. Amount(s) Approved	man man to the	an abadan sa a	,
City State Zip Code	The second secon			0000.50
	36. Signature of Authorized Lendin	g Onesa	rom of type Na	rme, Title, and Date
		TO THE RESERVE THE PARTY OF THE	and the state of t	A STATE OF THE SECOND

EXHIBIT B

# U. S. DEPARTMENT OF EDUCATION SAN FRANCISCO, CALIFORNIA

#### CERTIFICATE OF INDEBTEDNESS #1 OF 2

Kirsten F. Magwood aka: Kirsten Magwood 200 W 133<sup>rd</sup> St New York, NY 10030 Account No. XXXXX4344

I certify that U.S. Department of Education records show that the borrower named above is indebted to the United States in the amount stated below plus additional interest from 05/13/11.

On or about 10/31/97, the borrower executed promissory note(s) to secure loan(s) of \$18,500.00 from Citibank. This loan was disbursed for \$8,500.00 & \$10,000.00 on 12/15/97 – 01/07/98, at a variable rate of interest to be established annually by the Department of Education. The loan obligation was guaranteed by Higher Education Services Corporation, and then reinsured by the Department of Education under loan guaranty programs authorized under Title IV-B of the Higher Education Act of 1965, as amended, 20 U.S.C. 1071 et seq. (34 C.F.R. Part 682). The holder demanded payment according to the terms of the note, and credited \$0.00 to the outstanding principal owed on the loan. The borrower defaulted on the obligation on 09/16/01, and the holder filed a claim on the loan guarantee.

Due to this default, the guaranty agency paid a claim in the amount of \$23,308.69 to the holder. The guarantor was then reimbursed for that claim payment by the Department under its reinsurance agreement. Pursuant to 34 C.F.R. § 682.410(b)(4), once the guarantor pays on a default claim, the entire amount paid becomes due to the guarantor as principal. The guarantor attempted to collect this debt from the borrower. The guarantor was unable to collect the full amount due, and on 09/10/07, assigned its right and title to the loan to the Department.

Since assignment of the loan, the Department has credited a total of \$0.00 in payments from all sources, including Treasury Department offsets, if any, to the balance. After application of these payments, the borrower now owes the United States the following:

Principal: \$23,308.69 Interest: \$11,628.01

Total debt as of 05/13/11: \$34,936.70

Interest accrues on the principal shown here at the current rate of 3.27 percent and a daily rate of \$2.09 through June 30, 2011, and thereafter at such rate as the Department establishes pursuant to section 427A of the Higher Education Act of 1965, as amended, 20 U.S.C. 1077a.

Pursuant to 28 U.S.C. § 1746(2), Legisly under penalty of perjury that the foregoing is true and correct.

Executed on: U = 23 | U

Loan Analyst
Litigation Support

Peter La Rouhe Loan Analyst

## U. S. DEPARTMENT OF EDUCATION SAN FRANCISCO, CALIFORNIA

#### CERTIFICATE OF INDEBTEDNESS #2 OF 2

Kirsten F. Magwood aka: Kirsten Magwood 200 W 133<sup>rd</sup> St New York, NY 10030 Account No. XXXXX4344

I certify that U.S. Department of Education records show that the borrower named above is indebted to the United States in the amount stated below plus additional interest from 05/13/11.

On or about 03/03/99, the borrower executed promissory note(s) to secure loan(s) of \$18,500.00 from Chase Manhattan Panama City, FL. This loan was disbursed for \$8,500.00 & \$10,000.00 on 03/15/99 – 03/16/99, at a variable rate of interest to be established annually by the Department of Education. The loan obligation was guaranteed by Higher Education Services Corporation, and then reinsured by the Department of Education under loan guaranty programs authorized under Title IV-B of the Higher Education Act of 1965, as amended, 20 U.S.C. 1071 et seq. (34 C.F.R. Part 682). The holder demanded payment according to the terms of the note, and credited \$0.00 to the outstanding principal owed on the loan. The borrower defaulted on the obligation on 09/10/01, and the holder filed a claim on the loan guarantee.

Due to this default, the guaranty agency paid a claim in the amount of \$22,056.19 to the holder. The guarantor was then reimbursed for that claim payment by the Department under its reinsurance agreement. Pursuant to 34 C.F.R. § 682.410(b)(4), once the guarantor pays on a default claim, the entire amount paid becomes due to the guarantor as principal. The guarantor attempted to collect this debt from the borrower. The guarantor was unable to collect the full amount due, and on 09/10/07, assigned its right and title to the loan to the Department.

Since assignment of the loan, the Department has credited a total of \$0.00 in payments from all sources, including Treasury Department offsets, if any, to the balance. After application of these payments, the borrower now owes the United States the following:

Principal: \$22,056.19 Interest: \$9,292.23

Total debt as of 05/13/11: \$31,348.42

Interest accrues on the principal shown here at the current rate of 2.47 percent and a daily rate of \$1.49 through June 30, 2011, and thereafter at such rate as the Department establishes pursuant to section 427A of the Higher Education Act of 1965, as amended, 20 U.S.C. 1077a.

Pursuant to 28 U.S.C. § 1746(2), I certify under penalty of perjury that the foregoing is true and correct.

Executed on: 5 23 11

Loan Analyst
Litigation Support

Peter La Roche Loan Analyst

### Case 1:11-cv-06571-PKC Document five class 12/16/11 Pagnal #: 18 11 civ 6571

ADDRESS: 86 Chambers Street New York N.Y. 10007 File No.:  ### Country of No. 1. Application of Street New York N.Y. 10007 File No.:  ### Country of No. 1. Application of November 23, 2011 at 11:19 AM application of age and reastes in New York State. On November 23, 2011 at 11:19 AM application of Applica	UNITED STA	TES DIST	RICT COU	RT SOUTH	IERN DIS	STRICT OF N	EW YORK	Date		40	ember 20, 201
ADDRESS: 86 Chambers Street New York N.Y. 10007 File No.:  UNITED STATES OF AMERICA,  VS. Paintiff(s)/Respondent(s)  STATE OF NEW YORK, COUNTY OF NASSAU  NASSER H. ATRASH  New YORK, Province State of New York State. On November 23, 2011 at 11:19 AM  NASSER H. ATRASH  New YORK, Province State of New York State. On November 23, 2011 at 11:19 AM  NASSER H. ATRASH  New YORK, Province State of New York State. On November 23, 2011 at 11:19 AM  NASSER H. ATRASH  New YORK, Province State of New York State. On November 23, 2011 at 11:19 AM  NASSER H. ATRASH  NASH STATES OF New York State. On New YORK, NY 10026  NASH STATES OF New York State. On New YORK, NY 10026  NASH STATES OF New York State. On New YORK, NY 10026  NASH STATES OF New York State. On New YORK, NY 10026  NASH STATES OF New York State. On New YORK, NY 10026  NASH STATES OF NEW YORK, STATES OF YORK STATES											
**************************************							SDNY PH:	212-637-			
STATE OF NEW YORK, COUNTY OF NASSAU  STATE OF NEW YORK, COUNTY OF NASSAU  NASSER H. ATRASH bining duly sworn deposes and says: Deponent is not a party herein, is over 18 years of age and resides in New York State. On November 23, 2011 at 11:19 AM deponent served the within Summons and Complaint  with Index Number 11 CIV 6571 , and Date Purchased September 20, 2011 endorsed thereon, onc. KIRSTEN MAGWOOD  November 11 CIV 6571 , and Date Purchased September 20, 2011 endorsed thereon, onc. KIRSTEN MAGWOOD  Plantage of the person of the person described as said person therein.  By delivering a true copy of each to said recipient personally, deponent knew the person served to be the person so served to be Managing Agent of the corporation, and authorized to accept service on behalf of the corporation.  By delivering to and leaving with so served to be Managing Agent of the corporation, and authorized to accept service on behalf of the corporation.  By delivering to and leaving with so served to be Managing Agent of the corporation, and authorized to accept service on behalf of the corporation.  By delivering to and leaving with so served to be Managing Agent of the corporation, and authorized to accept service on behalf of the corporation.  By delivering a true copy of each to decrease of a development service on behalf of the corporation.  By delivering a true copy of each to decrease of a development service on the said promises is recipient's: [] actual place of business [] dwelling house (lusial place of abode) within the state.  By MALL CIONY STATES AGENT STATES AGE			AMERICAN - AMERICAN		UNITED S	STATES OF A	MERICA,				
STATE OF NEW YORK, COUNTY OF NASSAU  STATE OF NEW YORK, COUNTY OF NASSAU  STATE OF NEW YORK, COUNTY OF NASSAU  of age and resides in New York State. On  November 23, 2011 at 11:19.AM  at 133 WEST 118TH STREET 2ND FLOOR, NEW YORK, NY, 10026  Summons and Complaint  with Index Number  11 CIV 6571 and Date Purchased  September 20, 2011 endorsed thereon,  Defendant therein named.  11 INDIVIDUAL  by delivering a true copy of each to said recipient personally; deponent knew the person served to be the person  described as said person therein.  CORPORATION  By delivering a true copy of each to said recipient personally; deponent knew the person served to be the person  served to be Managing Agent of the corporation, and authorized to accept service on behalf of the corporation.  By delivering a true copy of each to said personal person and authorized to accept service on behalf of the corporation.  By delivering a true copy of each to be corporation, and authorized to accept service on behalf of the corporation.  By delivering a true copy of each to be door of said premises, which is recipient's:  By delivering a true copy of each to the corporation, and authorized to accept service on behalf of the corporation.  By delivering a true copy of each to the corporation, and authorized to accept service on behalf of the corporation.  By delivering a true copy of each to the corporation person service under the last two sections by deposting a copy of the United States Post Office in the State of New York. Certified Mail No.  Deponent was unable, with duel diligence to find recipient or a person of suitable age and discretion, having called thereot in the 12 day of November, 2011 at 10:38 AM on the 12 day of November, 2011 at 1:39 PM  After due search, careful inquiry and diligent attempts, I have been unable to effect process upon the person/entity being served because of the following:  17 DESCRIPTION  A description of the Defendant, or other person served, or spoken to on behalf of the Defendant is as follows:  Sex Color					VIDA		aan			Plair	ntiff(s)/Petitioner(s)
STATE OF NEW YORK, COUNTY OF NASSAU  NASSER H. ATRASH  bring due you would be state. On  November 23, 2011 at 11:19 AM  at 133 WEST 118TH STREET 2ND FLOOR, NEW YORK, NY 10026  with Index Number  11 CIV 6571 , and Date Purchased September 20, 2011 endorsed thereon, on: KIRSTEN MAGWOOD  Wy delivering a true copy of each to said recipient personally; deponent knew the person served to be the person  By delivering to and leaving with so served to be Managing Agent of the corporation, and authorized to accept service on behalf of the corporation.  By delivering a true copy of each to Said premises is recipient's [] actual place of business [] dwelling house (usual place of abode) within the state.  By affising a true copy of each to the door of said premises, which is recipient's: [] actual place of business  Wy all KI (W) (X) dwelling house (place of abode) within the state.  DO November 30, 2011 , deponent completed service under the last two sections by depositing a copy of the Summons and Complaint.  To DOOK (X) (X) dwelling house (place of abode) within the state.  On November 30, 2011 , deponent completed service under the last two sections by depositing a copy of the Summons and Complaint.  Deponent was unable, with due diligence to find recipient or a person of suitable age and discretion, having called thereat on the 5 day of November, 2011 at 10:38 AM on the 14 day of November, 2011 at 10:38 AM on the 14 day of November, 2011 at 10:38 AM on the 14 day of November, 2011 at 10:38 AM on the 14 day of November, 2011 at 10:38 AM on the 14 day of November, 2011 at 10:38 AM on the 14 day of November, 2011 at 10:38 AM on the 14 day of November, 2011 at 10:38 AM on the 14 day of November, 2011 at 10:38 AM on the 14 day of November, 2011 at 10:38 AM on the 14 day of November, 2011 at 10:38 AM on the 14 day of November, 2011 at 10:38 AM on the 14 day of November, 2011 at 10:38 AM on the 14 day of November, 2011 at 10:38 AM on the 14 day of November, 2011 at 10:38 AM on the 14 day of November, 2011 at 10:38 AM on the					KIRS	IEN MAGW	<i>000,</i>				
NASSER H. ATRASH  ASSER H. ATRASH										Defendan	nt(s)/Respondent(s)
of age and resides in New York State. On November 23, 2011 at 11:19 AM at 133 MEST 118TH STREET 2ND FLOOR, NEW YORK, NY 10026 deponent served the within Summons and Complaint  with Index Number				100110						10 - 1	10
at 133 WEST 118TH STREET 2ND FLOOR, NEW YORK, NY 10026 deponent served the within Summons and Complaint  with Index Number 11 CIV 6571 , and Date Purchased September 20, 2011 endorsed thereon, on: KIRSTEN MAGWOOD , Defendant therein named.  **INDIVIDUAL described as said person therein.  **CORPORATION By delivering a true copy of each to said recipient personally; deponent knew the person served to be the person described as said person therein.  **CORPORATION By delivering to and leaving with so served to be Managing Agent of the corporation, and authorized to accept service on behalf of the corporation. AGE PERSON Said premises is recipient's [] actual place of business [] dwelling house (usual place of abode) within the state.  **A AFFIXIND TO DOOR   X  dwelling house (place of abode) within the state.  **A AFFIXIND TO DOOR   X  dwelling house (place of abode) within the state.  **A AFFIXIND TO DOOR   X  dwelling house (place of abode) within the state.  **A AFFIXIND TO DOOR   X  dwelling house (place of abode) within the state.  **A AFFIXIND TO DOOR   X  dwelling house (place of abode) within the state.  **A AFFIXIND TO DOOR   X  dwelling house (place of abode) within the state.  **A AFFIXIND TO DOOR   X  dwelling house (place of abode) within the state.  **A AFFIXIND TO DOOR   X  dwelling house (place of abode) within the state.  **A AFFIXIND TO DOOR   X  dwelling house (place of abode) within the state.  **A AFFIXIND TO DOOR   X  dwelling house (place of abode) within the state.  **A AFFIXIND TO DOOR   X  dwelling house (place of abode) within the state.  **A AFFIXIND TO DOOR   X  dwelling house (place of abode) within the state.  **A AFFIXIND TO DOOR   X  dwelling house (place of abode) within the state.  **A AFFIXIND TO DOOR   X  dwelling house (place of abode) within the state.  **A AFFIXIND TO DOOR   X  dwelling house (place of abode) within the state.  **A AFFIXIND TO DOOR   X  dwelling house (place of abode) within the state.  **A ABODOR TO DOOR   X  dwelling house (place of abode) within the state.									от а р	arty nerein, is o	ver 18 years
with Index Number 11 CIV 6571 , and Date Purchased September 20, 2011 endorsed thereon, on: KIRSTEN MAGWOOD , Defendant therein named.  **INDIVIDUAL By delivering a true copy of each to said recipient personally; deponent knew the person served to be the person described as said person therein.  **CORPORATION By delivering to and leaving with a so served to be Managing Agent of the corporation, and authorized to accept service on behalf of the corporation.  **3 SUITABLE AGE PERSON By delivering a true copy of each to a person of suitable age and discretion.  **3 SUITABLE AGE PERSON By delivering a true copy of each to a person of suitable age and discretion.  **3 SUITABLE By delivering a true copy of each to a person of suitable age and discretion.  **3 SUITABLE By delivering a true copy of each to the door of said premises, which is recipient's: [] actual place of abode) within the state.  **4 AFFXING TO POOR IX   Washing a true copy of each to the door of said premises, which is recipient's: [] actual place of business   By affixing a true copy of each to the door of said premises, which is recipient's: [] actual place of business   By affixing a true copy of each to the door of said premises, which is recipient's: [] actual place of business   By affixing a true copy of each to the door of said premises, which is recipient's: [] actual place of business   By affixing a true copy of each to the state.  **5 MAIL COPY   X   Downward of the United States Post Office in the State of New York. Certified Mail No.  Deponent was unable, with due diligence to find recipient or a person of suitable age and discretion, having called thereat on the 9 day of November, 2011 at 7:30 AM on the 12 day of November, 2011 at 7:30 AM on the 14 day of November, 2011 at 7:30 AM on the 12 day of November, 2011 at 7:30 AM on the 14 day of November, 2011 at 7:30 AM on the 14 day of November, 2011 at 7:30 AM on the 14 day of November, 2011 at 7:30 AM on the 12 day of November, 2011 at 7:30 AM on the 12 day of November, 2011 at 7:30 AM										denoment se	arved the within
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#3 SUITABLE AGE PERSON Said premises is recipient's [ ] actual place of business [ ] dwelling house (usual place of abode) within the state.  #4 AFFIXING TO POOR IX  #5 MAIL COPY IX  #5 MAIL COPY IX  #5 MAIL COPY IX  #5 MAIL COPY IX  #6 MONESRVC  #6 NONESRVC  #6 NONESRVC  #6 NONESRVC  #6 NONESRVC  #6 NONESRVC  #6 MONESRVC  #6 NONESRVC  #7 DESCRIPTION A description of the Defendant, or other person served, or spoken to on behalf of the Defendant is as follows:  #7 DESCRIPTION A description of the Defendant, or other persons served, or spoken to on behalf of the Defendant was presently in millitary service of the United States  #8 WIT, EEES  #8 WIT, EEES  MARKA A, SHIRRISH  **SUTATES HIRRISH  **SUTATES HIRRIS	CORPORATION	By delivering	ng to and lea	ving with						•	•
#4 AFTIXING TO POOR    X   A defining a true copy of each to the door of said premises, which is recipient's: [ ] actual place of abode) within the state.  #5 MAIL COPY   X   A developed by the completed service under the last two sections by depositing a copy of the Summons and Complaint to the above address in a 1st Class postpaid properly addressed envelope marked "Personal and Confidential" in an official depository under the exclusive care and custody of the United States Poot Office in the State of New York. Certified Mail No.  Deponent was unable, with due diligence to find recipient or a person of suitable age and discretion, having called there at on the 5 day of November, 2011 at 10:38 AM on the 9 day of November, 2011 at 7:30 AM on the 12 day of November, 2011 at 1:29 PM  #6 NON-SRVC After due search, careful inquiry and diligent attempts, I have been unable to effect process upon the person/entity being served because of the following: [ ] Unknown at Address [ ] Evading [ ] Moved left no forwarding [ ] Address does not exist [ ] Other:    TO DESCRIPTION   A description of the Defendant, or other person served, or spoken to on behalf of the Defendant is as follows:    Sex		so served t	o be Managi	ng Agent of	the corpora	ation, and auth	orized to acc	cept servic	e on t	ehalf of the corp	poration.
TO DOOR   X   develling house (place of abode) within the state.    #5 MAIL COPY   Summons and Complaint   Summons and depository under the exclusive care and custody of the United States   Summons and Complaint   Summons	#3 SUITABLE AGE PERSON				ctual place	of business	[ ] dwellir	a p			
#5 MAIL COPY    X   On November 30, 2011	#4 AFFIXING TO DOOR						which is reci	pient's:	[	] actual place of	business
postpaid properly addressed envelope marked "Personal and Confidential" in an official depository under the exclusive care and custody of the United States Post Office in the State of New York. Certified Mail No.  Deponent was unable, with due diligence to find recipient or a person of suitable age and discretion, having called thereat on the 5 day of November, 2011 at 10:38 AM on the 9 day of November, 2011 at 7:30 AM on the 12 day of November, 2011 at 9:48 PM on the 14 day of November, 2011 at 1:29 PM  #6 NON-SRVC  After due search, careful inquiry and diligent attempts, I have been unable to effect process upon the person/entity being served because of the following: [] Unknown at Address [] Evading [] Moved left no forwarding [] Address does not exist [] Other:  #7 DESCRIPTION  A description of the Defendant, or other person served, or spoken to on behalf of the Defendant is as follows:  Sex Color of skin Color of hair Age Height  Other Features:  #8 WITL FEES  the authorized witness fee and / or traveling expenses were paid (tendered) to the recipient.  #10 OTHER  Additional attempts made 11/17/11 @ 7:31 AM and 11/19/11 @ 8:17 AM. Address confirmed with neighbor "Jane Doe" in apt 4.  Sworn to before me on this 1 day of December, 2011  **STEPHALE GALIGAN**  NASSER H. ATRASH  NASSER H. ATRASH	Catholic		- ,,		•		e under the	last two s	ection	s by depositing a	a copy of the
postpaid properly addressed envelope marked "Personal and Confidential" in an official depository under the exclusive care and custody of the United States Post Office in the State of New York. Certified Mail No.  Deponent was unable, with due diligence to find recipient or a person of suitable age and discretion, having called thereat on the 5 day of November, 2011 at 10:38 AM on the 9 day of November, 2011 at 7:30 AM on the 12 day of November, 2011 at 9:48 PM on the 14 day of November, 2011 at 1:29 PM  #6 NON-SRVC After due search, careful inquiry and diligent attempts, I have been unable to effect process upon the person/entity being served because of the following: [] Unknown at Address [] Evading [] Moved left no forwarding [] Address does not exist [] Other:  #7 DESCRIPTION A description of the Defendant, or other person served, or spoken to on behalf of the Defendant is as follows:  Sex Color of skin Color of hair Age Height  Weight Other Features:  #8 WIT, FEES the authorized witness fee and / or traveling expenses were paid (tendered) to the recipient.  #10 OTHER Additional attempts made 11/17/11 @ 7:31 AM and 11/19/11 @ 8:17 AM. Address confirmed with neighbor "Jane Doe" in apt 4.  Sworn to before me on this 1 day of December, 2011  **STEPMANE GALIGAN**  NASSER H. ATRASH  NASSER H. ATRASH	person			Summoi	ns and Com	nplaint		to	the at	ove address in a	1st Class
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on the 12 day of November, 2011 at 9:48 PM on the 14 day of November, 2011 at 1:29 PM  #6 NON-SRVC After due search, careful inquiry and diligent attempts, I have been unable to effect process upon the person/entity being served because of the following: [] Unknown at Address [] Evading [] Moved left no forwarding [] Address does not exist [] Other:  #7 DESCRIPTION A description of the Defendant, or other person served, or spoken to on behalf of the Defendant is as follows: Sex Color of skin Color of hair Age Height  Weight Other Features:  #8 WIT, FEES the authorized witness fee and / or traveling expenses were paid (tendered) to the recipient.  #10 OTHER Additional attempts made 11/17/11 @ 7:31 AM and 11/19/11 @ 8:17 AM. Address confirmed with neighbor "Jane Doe" in apt 4.  Sworm to before me on this 1 day of December, 2011  **NOTABY BURILIC State of New York and NoTABY BURILIC State of New York and											
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being served because of the following: [] Unknown at Address [] Evading [] Moved left no forwarding [] Address does not exist [] Other:  #7 DESCRIPTION A description of the Defendant, or other person served, or spoken to on behalf of the Defendant is as follows:  Sex Color of skin Color of hair Age Height  Weight Other Features:  #8 WIT, FEES the authorized witness fee and / or traveling expenses were paid (tendered) to the recipient.  9 MILITARYSRVC Deponent asked person spoken to whether the defendant was presently in military service of the United States Government or of the State of New York and was informed that defendant was not.  #10 OTHER Additional attempts made 11/17/11 @ 7:31 AM and 11/19/11 @ 8:17 AM. Address confirmed with neighbor "Jane Doe" in apt 4.  Sworn to before me on this 1 day of December, 2011  BARBARA A. SHURGIN STEPLINIE GALLIGAN NASSER H. ATRASH  NOTARY PUBLIC State of New York	#C NON COVC										maan/amtita
Sex Color of skin Color of hair Age Height  Other Features:  #8 WIT, FEES the authorized witness fee and / or traveling expenses were paid (tendered) to the recipient.  9 MILITARYSRVC Deponent asked person spoken to whether the defendant was presently in military service of the United States Government or of the State of New York and was informed that defendant was not.  #10 OTHER Additional attempts made 11/17/11 @ 7:31 AM and 11/19/11 @ 8:17 AM. Address confirmed with neighbor "Jane Doe" in apt 4.  Sworn to before me on this 1 day of December, 2011  BARBARA A. SHURGIN STEVEN M SHURGIN STEPHANIE GALLIGAN NASSER H. ATRASH  NOTABY PUBLIC State of New York	#6 NON-SRVC	being serv	ed because o	of the follow	ing: [ ]	Unknown at A	ddress	Evac	ding	ess upon the per [ ] Moved le	eft no forwarding
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9 MILITARYSRVC Deponent asked person spoken to whether the defendant was presently in military service of the United States Government or of the State of New York and was informed that defendant was not.  #10 OTHER	(use with #1, 2 or 3)	<sup>)</sup> Weight		Other I	Features: _						
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Sworn to before me on this 1 day of December, 2011  BARBARA A. SHURGIN STEVEN M SHURGIN STEPHANIE GALLIGAN NASSER H. ATRASH  NOTARY PURILIC State of New York NOTARY PURILIC State of New York	9 MILITARYSRVC	Deponent Governme	asked persor nt or of the S	n spoken to State of New	whether the York and	e defendant wa was informed t	is presently nat defendar	in military nt was not	servic	e of the United S	States
BARBARA A. SHURGIN STEVEN M SHURGIN STEPHANIE GALLIGAN NASSER H. ATRASH		Additional apt 4.	attempts ma	de 11/17/11	l @ 7:31 A	M and 11/19/1	1 @ 8:17 AM	1. Address	confi	med with neigh	bor "Jane Doe" ir
NOTARY DURI IC State of New York NOTARY DURI IC State of New York NOTARY DURI IC State of New York	Sworn to befo	ore me on th	nis <u>1</u> d	ay of <u>De</u>	cember, 20	011	A			1	
NOTADY DUBLIC State of New York NOTADY DUBLIC State of New York NOTADY DUBLIC State of New York	BARBARA A	, SHURGIN	- Value	STEVEN M SHU	RGIN	STEP	HANIE GALLIGAN			NASSED H	ATRASH
No. 30-5004737, Qualified in Nassau County  No. 015H6190498, Qualified in Nassau County  No. 015H6190498, Qualified in Nassau County  No. 015GA6190672, Qualified in Nassau County  Server's Lic # 1295969	NOTARY PUBLIC, S	State of New York		RY PUBLIC, State	of New York	NOTARY PU	BLIC, State of Nev				

Commission Expires November 23, 2014 Commission Expires July 28, 2012 Commission Expires July 28, 2012 Work Order # 140055

\*\*CAPITAL PROCESS SERVERS, INC. 265 POST AVENUE SUITE 150, WESTBURY, NY 11590 -TEL 516-333-6380 • Fax 516-333-6382

UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA, :

Plaintiff, :

- v - : <u>CLERK'S CERTIFICATION</u>

KIRSTEN MAGWOOD, : 11 CIV 6571 (PKC)

Defendant. :

-----X

I, Ruby J. Krajick, Clerk of the United States District Court for the Southern District of New York, do hereby certify that the docket entries in the above-captioned case show that the complaint was filed on September 20, 2011; that the defendant was served by affixing a copy to the door of her residence and mailing a copy to her at her residence; and that the summons and the Affidavit of Service were filed in the Clerk's Office on December 9, 2011. I further certify that the docket entries show that defendant has not filed an answer or otherwise moved with respect to the complaint and that the time for defendant to do so has expired. The default of defendant is hereby noted.

Dated: New York, New York

December 15 2011

**CLERK**